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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, May 7, 2019, at 12 p.m.

Senate

MONDAY, MAY 6, 2019

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Ruler and Redeemer, Creator and Sustainer, we pause to acknowledge Your majesty and might.

Because of You, we live and move and breathe and prosper. Lord, You continue to shower us with undeserved blessings; great is Your faithfulness. As our Senators and staffs do liberty's work, sustain them with Your might. Provide them with prudence and discretion for each task. Remind them that if You are for them, neither demons nor deviants can prevail. Help us all to focus on today's challenges and trust You to take care of our past and future. Transform discord into harmony as You hasten the day when peace will reign.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. HAWLEY). Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Joseph F. Bianco, of New York, to be United States Circuit Judge for the Second Circuit.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 1 minute as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL FOSTER CARE MONTH

Mr. GRASSLEY. Mr. President, May has been recognized as National Foster Care Month for over 20 years to bring awareness to the challenges that foster youth face.

Through my work on the Senate Caucus on Foster Youth, I have had the opportunity to hear firsthand what children in foster care need. They need love, support, safety, and permanency. They need a family. I salute all those who dedicate their time and resources to help these kids.

In moving forward, I will continue to work to find better solutions and to se-

cure better outcomes for youth in foster care.

Mr. President, I ask unanimous consent to speak for an additional 1 minute as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC GROWTH

Mr. GRASSLEY. Mr. President, last week, the Department of Labor released its monthly scorecard for the U.S. workforce.

The unemployment rate fell to 3.6 percent, which is the lowest rate since December 1969—a new 50-year low. Moreover, an additional 263,000 jobs were created. Job gains have averaged a robust 218,000 over the past 12 months. Additionally, for the ninth straight month, year-over-year nominal wage gains have equaled or exceeded 3 percent.

It is good to see this administration's tax reform and pro-growth policies continuing to improve the daily lives of all Americans.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

Mr. McCONNELL. Mr. President, over the weekend we were given yet another tragic reminder of the daily

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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threats that face our friends and allies in Israel.

While American families enjoyed a spring weekend, those who make their home in the border regions of the Jewish State were subjected to a barrage of hundreds of rockets and other projectiles launched from within Gaza.

The attacks were carried out by Hamas and the Palestinian Islamic Jihad. They targeted civilian populations. They killed a worker at a cement factory, a truckdriver in a border village, a man in the yard of his own home, and a rabbi as he left his car to run for cover.

They caused countless Israeli citizens to scurry to bunkers for safety, unsure whether rockets would rain upon their farms, apartment buildings, schools, or hospitals. These attacks, we should remember, are targeted at Israel's innocent civilians. They are intended to kill, to maim, and to terrorize.

In the face of such brazen acts of terror, it is of course Israel's right to take swift and decisive action to defend its people. Frankly, it is an existential necessity.

And it is the responsibility of every peaceful nation to condemn the terrorist organizations behind them and to continue to expose those governments and private entities that provide illicit support for their actions. Foremost among them is Iran, which has become a critical lifeline for the terrorist activities of Hamas and Palestinian Islamic Jihad.

I know my colleagues will join me in expressing sympathy for the families of the victims and for the communities left to rebuild the wreckage of these latest attacks. Furthermore, I hope this weekend's attacks could at least spur some action here in Congress, where Senate-passed legislation to renew and strengthen our partnership with Israel is still sitting over in the House, where it has not been permitted a vote. That thoroughly bipartisan legislation contains several provisions to strengthen our security ties to Israel and also to combat the scourge of anti-Semitism.

Behind these attacks lurks the same hatred that motivated the violence at Chabad of Poway last month and the Tree of Life synagogue last year—the same ugly bigotry that takes refuge within the BDS movement while masquerading as a legitimate political stance. It is the same tide of discrimination that an overwhelming majority of European Jews report is on the rise in their own communities, even as the Holocaust remains a vivid living memory. This disturbing trend has already taken its toll on communities of faith and on peaceful Jews in Israel and around the world, but when America does any less than our level best to confront it, we further undermine the cause of our friends and allies in this free Jewish State.

I hope this terrible violence can again spur my colleagues in the House to act on the bipartisan legislation

that has been languishing over there for weeks. It was the first item we took up this year.

Clearly, the need to reaffirm our commitment to the safety, security, and sovereignty of Israel is just as important as it ever was.

TRIBUTE TO MIKE ENZI

Mr. President, on an entirely different matter, I was saddened to hear over the weekend that our friend and colleague Senator MIKE ENZI will not run for reelection. At the end of next year, he will retire with 24 years of service to the people of Wyoming, and the rest of us will have to step up to make up for the loss in expertise and in principled leadership his departure will create.

When MIKE first arrived in the Senate, he brought with him experience in business and government that made him an immediate asset on a host of different issues. With an MBA under his belt, he had returned home to lead his family shoe sales business through a successful expansion. As the two-term mayor of Gillette, WY, he had presided over an economic and population boom, and over the course of 10 years in the State legislature, he had lent his accountant's eye to help other small businesses succeed through better policy.

So it is no surprise that MIKE got right to work as a leading voice on the Federal budget, tax policy, and healthcare. Over four terms, he has taken every opportunity to make an outsized impact on policy for the people of Wyoming and for our entire country.

In 2006, as chairman of the HELP Committee, MIKE provided the guiding hand that delivered the first major pension reform legislation in a generation and provided more security to the retirement income of millions of Americans through bipartisan policy.

In 2017, as chairman of the Budget Committee, he helped lay the foundation for the generational reform of our Nation's Tax Code and championed important elements for small businesses and retirees.

In these cases and in many more, getting MIKE involved in an issue meant deploying a powerful force for fiscal responsibility, restraint, and policy practicality. You always felt more sure something would turn out well when MIKE was on the case or part of the team.

But seeing as our friend has built nearly a quarter-century legacy in the Senate, none of us can blame MIKE for choosing to spend more time with his even greater legacy: the wonderful family he and his lovely wife Diana have built together.

MIKE and Diana are now the proud grandparents of four, and among everything their bright future holds, I know MIKE will be excited for more chances to pass along his fly fishing wisdom and his love of good books.

Before he hangs up the "gone fishing" sign for good, I know my col-

leagues share my relief that we still have a year and a half to continue drawing on Senator ENZI's leadership and focused expertise. So today I will offer just the first of many sincere thanks for his years of distinguished service.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC GROWTH

Mr. CORNYN. Mr. President, it is no secret that our economy has broken some pretty amazing records lately. Last week's job report surpassed all estimates and expectations, with a whopping 263,000 jobs created in April alone. The first quarter saw 3.2 percent growth, which is the best in 4 years.

I still recall, back during the previous administration, when we were told that 2 percent growth was the new normal and that we could never grow our economy the way we have seen in recent months. Obviously, 2 percent growth is not the new normal for the American economy. We all ought to be relieved and comforted by that fact.

The unemployment rate has dropped to 3.6 percent—the lowest level in nearly half a century. Everybody who is able-bodied and willing to work and willing to be trained for jobs that pay well I believe has an opportunity to do so these days. There is no doubt that this is an incredible time for our economy, and I am confident that the pro-growth policies that we have brought to the table during this administration and during a Republican majority in the House and the Senate will continue to bring real benefits to families across the country. But we have also broken another record, one that has a much more negative impact, and that is especially in my State of Texas.

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In March, Customs and Border Protection encountered more than 103,000 migrants along the southwestern border—the highest number since 2007. Unlike previous times when we saw numbers on that scale, these are people who simply show up at the border and turn themselves in to the Border Patrol and claim asylum—mainly families and unaccompanied children, if you could believe that. To put this figure into perspective, it is more than double that of the same period last year and more than six times that in 2017. So something is clearly afoot.

Our country is simply not equipped to manage this sort of massive influx, and folks in my State are bearing the brunt of the humanitarian crisis.

Again, I would remind those listening that the first person who called this a humanitarian crisis, in 2014, was President Barack Obama. He called it a humanitarian and security crisis. It has

gotten worse since then, not better. Many of our cities along the border and nongovernmental organizations—faith-based organizations that take it as part of their mission to deal with the needs of migrants along the border—are struggling to manage the growing need for humanitarian relief, as well as businesses and manufacturers that feel the tight squeeze of backed-up border crossings.

Most folks here inside the beltway probably couldn't comprehend the cross-border traffic and how interdependent our economy really is. There are 14,000 to 16,000 truck trips a day across the U.S.-Mexico border at Laredo. As the already understaffed Customs and Border Protection has tried to manage the flow of family units and unaccompanied children entering our country, Customs agents had been pulled off of that duty—their ordinary duties—causing lanes to be closed and wait times to skyrocket. I was told by some American-based car manufacturers that they simply have had to hire charter aircraft to fly from the Mexican side of the border to the U.S. side of the border in order to meet their just-in-time inventory needs because, otherwise, trucks bringing those same parts across the border that ordinarily would have taken an hour to get across now are taking 14 hours or more, simply disrupting their supply chain and threatening to put many people in the interior of the United States out of work if this situation continues or gets worse.

The aerial footage of the border looks more like a parking lot than a port of entry. Cargo trucks and personal vehicles sit at a complete standstill, backed up for miles. People are supplying drivers with water. Can you imagine being stuck in your car for hours on end with no preparation for food or water—or fuel, for that matter—based on the amount of time sitting idly in line?

With nearly \$1.7 billion in products crossing our border every day, as I have said, these delays have had a serious impact on manufacturers and retailers in industries ranging from automobiles to medical devices to just simply the produce that we take for granted in our grocery stores.

A report released last week by the Texas-based Perryman Group estimated that these slowdowns could cost the U.S. economy \$69 billion—\$69 billion—over a 3-month period. Nearly half of that—an estimated \$32 billion—would be a direct hit on the Texas economy.

Last week, I heard from the Chamber of Commerce in San Antonio and the Hispanic Chamber of Commerce about these wait times. Their members are facing delayed orders and increased shipping costs because of these wait times, and they want us to do something about it. That is not an unreasonable desire or request.

Unlike a lot of folks inside the beltway here in Washington, they have to

manage this crisis. They have to deal with it. They can't ignore it or turn their eyes in another direction. They don't care about talking points or winning a messaging war. They want a solution to their problem. So, now, in addition to the humanitarian and security crisis that President Obama talked about in 2014, we have the beginning of a full-blown economic crisis as well.

It is an understatement to say that there is a lot of disagreement on what the solution might look like, but anyone who has taken an elementary school class can tell you that, for it to pass a Republican-led Senate and a Democratic-controlled House, this must be bipartisan. I should say that anybody who has happened to see "Schoolhouse Rock!" should know that it is going to have to be bipartisan and bicameral and that the President has to sign it in order for it to pass.

Over the years, I have worked closely with my friend and fellow Texan HENRY CUELLAR on legislation to strengthen both border security and customs operations along our State's border with Mexico. HENRY is a Democrat from Laredo, TX. I, obviously, am not, but that doesn't mean we can't find common background. That is actually what I believe our constituents sent us here to do—not to sacrifice principles but, when there is a problem to be solved, to work together in a bipartisan way to try to solve it. So last week, we introduced a bill that could bring those record-breaking border numbers back down and finally provide some relief for law enforcement, for our cities, for our NGOs, and for our businesses struggling to manage.

I have spent a lot of time with the officers and agents who defend our borders every day, and I always ask them: What can I do to help you? What do you need from Congress in order to succeed at the job we have asked you to do?

There are two common answers I hear. One is to close the loopholes that serve as a magnet or a pull factor on this massive wave of humanity from places like Central America into the United States, with people claiming asylum because they know they can exploit the loopholes that exist in the law and be successfully placed in the United States, never to be heard from again as they blend into this great American landscape. In other words, they know they can successfully make it from here into the United States unless these loopholes are filled. That is what the Border Patrol and Customs and Border Protection have implored us to do, along with the Department of Homeland Security—to close these loopholes.

The main people benefiting from these loopholes in our asylum laws are the human traffickers, the drug traffickers, and the people who get rich moving this massive humanity from Central America into the United States. They charge, \$5,000, \$6,000, \$7,000, or \$8,000 a person. Of course,

these are also the same criminal organizations that move drugs into the United States, trafficking women and children for sex.

Last year alone, we know that 70,000-plus Americans died of drug overdoses in America. About half of them was from opioids, including heroin—90 percent of which comes from Mexico—along with the synthetic opioid known as fentanyl, which those of us working here know is much more powerful and much more dangerous than heroin, which is dangerous in and of itself. The same people who are trafficking in these migrants are trafficking in the drugs that are killing Americans on a daily basis and taking advantage of the desire of women and children to make their way here to the United States and turning them into virtual sex slaves.

The people who have patiently and properly tried to enter our country legally are frustrated by illegal border crossers who try to game the system and use well-intentioned laws as a literal get-out-of-jail-free card.

One of the most frequently exploited loopholes is known as the Flores Settlement Agreement, which was created to ensure that unaccompanied children aren't spending long periods of time in the custody of the Border Patrol. It was and remains an important protector for the most vulnerable individuals who come across our border and ensures that these unaccompanied children may be processed and released either to relatives or to the Department of Health and Human Services.

A later, misguided ruling by the Ninth Circuit Court of Appeals in 2016 effectively expanded the time cap for unaccompanied children to families—that is, adults bringing one or more children across the border with them. These smugglers and human traffickers aren't fools. They see this as an opportunity to be exploited, and they know that by posing as a family, these individuals will be released after 20 days and can virtually disappear into the interior of the country. The child traveling with them could have been kidnapped, smuggled, or trafficked—all of which has happened before.

Sadly, this is a common occurrence. The Department of Human Resources announced last week that they have identified more than 1,000 cases of fraudulent families trying to cross the border since October of last year. Clearly, the criminal element is exploiting our laws and hurting innocent children, and by doing nothing, we ourselves are complicit in their bad behavior.

That is why we need to act. That is the one thing we can do. We need to clarify that Flores only applies to unaccompanied children and not to these family units who are gaming the system. First and foremost, this would protect children from being used as an entry ticket by criminals and smugglers, and it would also eliminate a pull factor for those tempted to try to use this method to gain entry.

Of course, we know there are legitimate families who cross our border, and we must take additional steps to confirm these biological relationships and enable them to remain together in custody. No one is advocating for separating these families from their children. The HUMANE Act that Congressman CUELLAR and I have introduced requires all children to undergo biometric and DNA screening—something the Department of Homeland Security has recently been testing. This was in order to defeat the fraudulent claim of biological or familial relationship with a minor child in order to gain entry into the United States. I believe we have a responsibility to ensure that children are actual family members and not being used as a pawn by the smugglers.

Our legislation also provides safeguards to prevent children from being placed in the custody of dangerous individuals, such as sex offenders or human traffickers. The last thing we should want to do is welcome these unaccompanied children here to America, only to place them, by action of the Federal Government, in the hands of sex offenders or human traffickers because of our failure to take all necessary caution to prevent it.

Consistent with the recommendations from the bipartisan Department of Homeland Security Homeland Security Advisory Council, the HUMANE Act would require DHS to establish at least four regional processing centers along the southern border to house and process these families. It is important that we provide them humane and compassionate housing while they await their asylum hearing in front of an immigration judge.

By not doing so, by engaging in what has come to be known as catch-and-release, we essentially help facilitate the entry of these individuals into the United States and encourage this pull factor that would only encourage not only 76,000 migrants, like we saw come across the border in February, not 103,000, like we saw come across the border in March, but we are going to see those numbers continue to go up and up and up and up, because, if you think about it, there is simply no reason for them not to come. The smugglers are getting rich, and people who want to come into the United States by falsely claiming grounds for asylum have found a way to exploit our system. When we look in the mirror, the only ones we can blame are ourselves for failing to act.

We know these regional processing centers could serve as a one-stop shop, with DHS personnel, including asylum officers, on site to adjudicate claims and expedite the entire process. We want to make sure that if somebody does have a bona fide claim for asylum, they get to be heard by an immigration judge and they get that immigration benefit to which the law entitles them. But if they are not entitled to asylum, if they can't make their case to an im-

migration judge, they should not be able to do an end run around the system and enter the country under false pretenses.

These central processing centers would also provide families with better living conditions that can be provided at a CBP detention facility meant to hold strictly single adults.

To prevent this humanitarian crisis from having a deeper impact on legitimate trade and travel, this bill mandates the hiring of additional Homeland Security personnel and upgrades our ports of entry to expedite the legal movement of people and goods.

Just the binational trade with Mexico supports about 5 million jobs in America; with Canada, another 8 million. That is why the North American Free Trade Agreement, or NAFTA, is so important, and now that it has been supplanted by the U.S.-Mexico-Canada agreement that we will be taking up soon, it is very important for us to keep legitimate commerce and trade flowing between Mexico, Canada, and the United States because 13 million jobs or more in America depend on that binational trade. That is another collateral piece of damage as a result of this humanitarian crisis as well.

This is an opportunity for us to consider a bipartisan and bicameral piece of legislation to solve a real and growing problem, and I hope both of our Chambers will take seriously our responsibility to act and to act soon.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. ERNST). Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

TRIBUTE TO MIKE ENZI

Mr. SCHUMER. Madam President, over the weekend, our friend the distinguished Senator from Wyoming, Mr. ENZI, announced that he wouldn't seek reelection. It is no secret that Senator ENZI and I approach legislation from two very different standpoints, but I have always found him to be thoughtful and decent—qualities that have made him a good Senator and a respected voice for the people of Wyoming.

When Senator ENZI was elected, he was this Chamber's only accountant by trade. Perhaps it is destiny, then, that he will end his tenure at the top of the Budget Committee. Despite his prominent perch and decades in Washington's corridors of power, Senator ENZI still retains the accountant's distaste for the flashy. He eschewed the limelight and the television cameras—something the two of us have in common. If Senator ENZI will forgive me

that joke, I would like to wish him and his family the best in all his future endeavors—that is, of course, after he concludes his final year and a half in Washington as one of Wyoming's longest serving Senators.

MUELLER REPORT

Madam President, on another matter, in the aftermath of Attorney General Barr's testimony before the Judiciary Committee, it is now clearer than ever that the Senate must hear from Special Counsel Mueller. We need Special Counsel Mueller to testify because, as we have seen, the Attorney General has shown us he cannot be trusted on the matter of the Russia investigation.

After the special counsel delivered his findings, the Attorney General took a 480-page document and turned it into 4 pages, producing a document so inadequate that it even prompted the special counsel to raise concerns in writing—the normally very reticent special counsel, I might add. Meanwhile, the Attorney General has speculated, without evidence, about the special counsel's reasonings, and he has done so, we have now learned, without having reviewed any of the underlying evidence. To make matters worse, Mr. Barr also refused to appear before the House Judiciary Committee, demonstrating his contempt for the oversight responsibilities of Congress.

The bottom line is this: The Attorney General's word cannot be the end of the matter. Special Counsel Mueller must testify. Unfortunately, however, the chairman of the Senate Judiciary Committee has thus far been far less than welcoming, and now the President has made it clear that he believes Mueller should not testify.

I want to remind this Chamber that President Trump repeatedly tried to fire the special counsel, then he called the special counsel conflicted and corrupted and refused to be interviewed by him, and now he is trying to silence the special counsel completely. For a man who constantly proclaims his innocence and the "exoneration" of the Mueller report, President Trump suspiciously objects to Special Counsel Mueller's public testimony.

Thankfully, Congress isn't subject to the will of the President. My friend Senator GRAHAM has an obligation to ask the special counsel to testify without constraints. I will continue to press him to call for a hearing.

PUERTO RICO

Finally, Mr. President, we have been trying for weeks now to come up with a package of disaster assistance for Americans impacted by fires and floods and typhoons and hurricanes that would be acceptable to my friends on the other side of the aisle. Meanwhile, the President continues to wage a bizarre and fact-impaired campaign against millions of American citizens living in Puerto Rico.

This morning, the President claimed incredibly that Puerto Rico has received \$91 billion in recovery funds

while other States have been left behind. That defies the facts. He also suggested that Puerto Rico should be thankful for the funding they have already received and accused Democrats of selling out other parts of the country. There is a lot to unpack there, so here it goes.

For one, Puerto Rico has not received \$91 billion—not even close. At most, Puerto Rico has received \$11 billion while billions more, already allocated by the Congress—Democrats and Republicans—are being withheld by the Trump administration itself. Just last week, the administration missed a self-imposed deadline to advance the release of \$8 billion in funding to help the island rebuild and prepare for future disasters.

Second, it is galling even by the President's standards to say that Puerto Rico should be thankful for disaster aid. The President hasn't said that Alabama should be thankful for disaster aid. He hasn't said that Texas should be thankful or Florida or the Carolinas. But for some reason, the President implies that aid to Puerto Rico is some kind of favor he is doing. I remind the President that helping parts of our country recover from natural disasters is not a favor; it is what we do as Americans and what we have always done until the President's heavy hand disrupted the legislation that Democrats and Republicans had crafted and were prepared to pass.

When a natural disaster strikes one corner of the country, Americans put politics aside and come together to help each other out. The President, however, is failing our fellow citizens in Puerto Rico and all those rebuilding their lives and communities after disaster.

For those here who say "Well, let's just pass this bill now," the House won't pass this bill. The House will not pass a bill without full aid to Puerto Rico, and neither will this Chamber.

So what are we talking about here? We are talking about a President who came in and for some reason didn't want to give aid to Puerto Rico while giving to everywhere else even though Puerto Rico's disaster probably, per capita, affected them worse than any other State. They are American citizens, I would remind the President. Now he is bolloxxing the whole thing up.

Both sides here in Congress—Democrats and Republicans who believe in aid—ought to disavow the President's decision and pass relief for all Americans affected by natural disasters—all Americans. Democrats are ready to support disaster relief for every corner in this country—the west coast, the Midwest, the South, and Puerto Rico. As our negotiators continue to make progress on a disaster package, I fervently hope we come to a resolution very soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

MUELLER REPORT

Mr. GRASSLEY. Madam President, the taxpayers spent \$30 million on the special counsel's investigation. Now we know without a single doubt that there was no collusion by the Trump campaign with Russia. For more than 2 years, the Democrats screamed collusion and did so not based on fact but based on rumor, hearsay, and probably wishful thinking. They have done a huge disservice to the American people by taking that approach.

As I have said before, the real collusion was actually with the Democrats. Here is how it has evolved. It was the Clinton campaign and Democratic National Committee that hired Fusion GPS to do opposition research against Candidate Trump. Then Fusion GPS hired Christopher Steele, a former British intelligence officer, to compile what we now hear always referred to as the Steele dossier. That document was very central to the fake collusion narrative, and it reportedly used Russian Government sources for information. So the Democrats paid for a document created by a foreign national that relied on Russian Government sources—not Trump; the Democrats. That is the definition of collusion.

But Democratic collusion didn't stop there. Last week, The Hill newspaper reported that a Democratic National Committee contractor contacted the Ukrainian Government to get dirt on the Trump and Manafort during the Presidential election. Specifically, the Democratic National Committee contractor reportedly "wanted to collect evidence that Trump, his organization and Manafort were Russian assets working to hurt the U.S. and working with Putin against U.S. interests."

The Democrats were up in arms about the Trump Tower meeting when the Trump campaign was approached about dirt on Hillary Clinton. Here, the DNC proactively pounded the door of a foreign government for dirt. Where is the outrage at that? The special counsel ignored all of that in his report; thus, he didn't fulfill all of his responsibilities.

The Deputy Attorney General appointed Mueller in May of 2017 to investigate alleged collusion between the Trump campaign and Russia during the 2016 election. The Deputy Attorney General further ordered that if the special counsel believed it was necessary and appropriate, he was authorized to "prosecute federal crimes arising from the investigation of these matters." But that is not what the special counsel did on the obstruction question. Instead, the special counsel declined to make a traditional prosecutorial decision. The report said that "[t]he evidence that we obtained about the President's actions and intent presents difficult issues that prevent us from conclusively determining that no criminal conduct occurred."

As the Attorney General said when he released the report and then again in his testimony before the Senate Ju-

diciary Committee last week, the role of a prosecutor "is to make a charging decision." It isn't a prosecutor's job to exonerate a subject; it is to charge a crime or, in the alternative, not to charge a crime. But in his report, the special counsel explains his decision not to even make a decision. He says, among other things, that stating the President had committed a chargeable offense without actually charging him, under the Justice Department's guidance, would be unfair to the President because, according to the special counsel, then the President couldn't defend himself properly before a neutral factfinder. Instead, the special counsel laid out 200 or so pages of facts and hand-wringing relating to the obstruction and then dumped all of this material on the Attorney General's desk.

It reminds me of former FBI Director Comey's declaration in the summer of 2016 that Secretary Clinton was extremely careless in handling classified information but that no reasonable prosecutor would bring a case against Secretary Clinton. FBI Director Comey made a prosecutorial decision that wasn't his to make; it was up to the Attorney General to make. That was Attorney General Lynch. Comey also released derogatory information about Secretary Clinton and then refused to show all of his work.

The special counsel's report is at least equally problematic. The report lays out 200 pages of investigative product but leaves the charging decision hanging in Never Never Land. Nevertheless, the report asserts that if the special counsel team could have found the President did not commit obstruction, they would have said so. But, again, that is not what prosecutors do. That is a reversal of the innocent until proven guilty standard that is basic to American justice. If it really were a thorough investigation, it seems the inverse would be true as well. The inverse is that, after a thorough investigation, the special counsel did not have enough evidence to conclusively state obstruction actually occurred.

During the Attorney General's May 1 testimony before the Senate Judiciary Committee, he noted that if the special counsel found facts sufficient to constitute obstruction, he would have stated that finding.

Curiously, the special counsel spilled a lot of ink in his report to explain why he believed the President could be charged as a matter of legal theory. So why didn't he just make that decision or at least make a very clear recommendation to the Attorney General and stand behind his own theories?

The Attorney General and the Deputy Attorney General asked Mueller whether he would have charged obstruction but for the Department's guidance on charging sitting Presidents. The special counsel said no, which means, if warranted, that there was no barrier for him to make that charge.

In the absence of a decision from the special counsel, it was then up to the

Attorney General and the Deputy Attorney General, who appointed Mueller and supervised his work. The Attorney General and the Deputy Attorney General reviewed all of the facts and evidence that the special counsel collected. The Attorney General and the Deputy Attorney General evaluated it under Mueller's own legal theories, even though they disagreed with some of those theories. After all of that, the Attorney General and the Deputy Attorney General determined that the evidence was not sufficient to charge.

Oddly, the special counsel's report is probably the most notable for what it doesn't address at all.

The special counsel's report does not address the genesis of the Russia investigation. It doesn't address whether the FBI used improper surveillance techniques on the Trump campaign or individuals associated with the Trump campaign. It doesn't address the credibility of the FBI's sources.

It doesn't address whether the Steele dossier was a Russian disinformation campaign. Even one of the reporters at the publication that initially dumped the dossier into the public domain wants to know where it came from and what it means. The special counsel's report doesn't address whether Department of Justice officials turned a blind eye to potential misconduct. It also doesn't address whether the Department of Justice misled the Foreign Intelligence Surveillance Court when it applied for that court's decision against the Trump campaign.

So now we know what reasonable people have long suspected—there was no collusion and no obstruction of the collusion investigation. Yet we still don't know how this so-called collusion investigation got started in the first place.

In March 2017, then-FBI Director James Comey testified that he briefed President-elect Trump about these allegations in January 2017 even though, according to his public testimony, Director Comey considered them to be, in his words, "salacious and unverified." If, in fact, they were salacious and unverified in early 2017, then what were they months before that when Comey started the investigation? We know the allegations against Page were unverified when they were used by the FBI and the Justice Department to support a FISA application to spy—yes, spy—on an American citizen, an American citizen who, by the way, has never been charged with anything.

In January of 2018, Senator LINDSEY GRAHAM and this Senator wrote to the Deputy Attorney General and FBI Director Christopher Wray about the allegations in the Steele dossier, about its author, and, more importantly, about its bankrollers. In that memo, we described inconsistencies between what Steele swore to a British court about his contacts with the media and what the Page FISA application represented to the FISA Court about those same contacts. The FISA application

represented that Steele did not communicate with the media about his intelligence reports but that he told the British court he did.

We noted in our memo that if Mr. Steele had lied to the FBI about his media contacts, it would bear on his credibility. That would be a huge problem because the FISA application and its renewals depended on taking Steele at his word. Remember, at that time, the Steele dossier was still "salacious and unverified," and those were Comey's words. So it mattered a whole lot whether the FBI and the Department of Justice could trust Steele and his dossier.

In our referral, Senator GRAHAM and I also noted that Mr. Steele's contacts with the media likely affected, in our words, the "reliability of his information-gathering efforts" in compiling the dossier. By the time the Department of Justice and the FBI filed the FISA application and even before the FBI officially opened the investigation, the Steele dossier was probably the worst kept secret in Washington, DC.

The same can be said for the government's efforts to look for ties between the Trump campaign and Russia. All of these folks—the media, lawyers, lobbyists, campaign organizations, private research firms, FBI officials, the Department of Justice and Department of State officials, and even foreign intelligence agencies—reportedly had access to the dossier information or the dossier itself. An attorney for Clinton and the Democratic National Committee even passed on some aspects of this information directly to the FBI's general counsel before the FISA was issued.

Basically, this piece of paper was, in some form or another, all over this town, and the more the dossier was shopped around, the more vulnerable it became to its manipulation.

We also know that at least as early as the summer of 2016, foreign intelligence agencies were reportedly feeding information to the CIA about Trump campaign associates and that the FBI was using a source to seek information from individuals who were associated with the Trump campaign. At about that time, Fusion GPS had hired Steele on behalf of the Clinton campaign and the Democratic National Committee.

We need to know if leadership in the intelligence community and the FBI were already gathering intelligence on Trump associates when Fusion hired Steele. We need to know whether the Obama administration was looking so hard for connections that it figured the Steele dossier would justify efforts to continue its surveillance activities. Further, we need to know if the Russians knew our government was that hungry for information to the point they packed the dossier with disinformation just to sow chaos. If so, it looks like the Obama administration fell for it hook, line, and sinker, and it certainly seems like some in leadership may have ignored clear warning signs.

Department of Justice official Bruce Ohr spoke with top FBI leadership about Steele's work the day the investigation opened, and after the FBI terminated Steele as a source, Ohr continued to feed Steele's work to the Bureau. At various times, Mr. Ohr made it clear to the FBI that the information from Steele could not be taken at face value because it was based on hearsay. Ohr noted that Steele had an anti-Trump agenda and that the whole operation was bankrolled by Clinton and the Democratic National Committee. Of course, the Clinton campaign wasn't keen on the world's knowing it was footing the bill for the dossier. Its lawyers even lied to the media about this fact for more than a year. That is not my saying it. A New York Times reporter said that.

So, by the time the FISA application was filed and every time it was renewed, FBI and Department of Justice leaders were very much aware of the political bias and the purpose of the unverified information that supposedly supported it, so much so that according to reported text messages between former FBI Deputy Director Andrew McCabe and his staff, the FBI worked to create—these are their words—a "robust explanation" for "any possible bias" of the source "in the package" supporting the FISA application. It also seems from these text messages that the FBI was getting pushback from at least one individual at the Justice Department about seeking the FISA.

In the end, the FISA application was presented to the court with there being no mention whatsoever of Clinton, the Democratic National Committee, or any mention of the source's political bias and with only mere speculation by the FBI that its primary source was not peddling his information far and wide. The FISA application was then granted by the court and was renewed three times. Let me say that again. The FISA application was granted and renewed three times.

The FBI surveilled an American citizen for many months based on salacious and unverified information that had been gathered by a former foreign intelligence officer who was desperate to keep the President out of office. He was British Agent Steele. That former intelligence officer used Russian sources, including Russian Government sources, at the behest and with the funding of a rival political party and campaign.

The Democrats and the mainstream media have been screaming at the top of their lungs about salacious, unverified allegations that this President stole an election by working with the Russians, but it is a sobering and verified fact that the Democrats actually paid for dirt from the Russians to damage their political opponents.

So now, after the taxpayers have spent \$30 million to work through this swirling cesspool of allegations, when

the Attorney General says he has concerns about certain aspects of this investigation, I agree with him. I don't know whether laws were broken or protocols were breached or rules were violated, but for decades, I have been doing oversight of the Federal Government, including of the Department of Justice and the FBI, and I think there is certainly enough there to be asking questions.

For example, did the Obama administration improperly use the U.S. intelligence community to attempt to neutralize and denigrate a political opponent? Did the Obama administration fail to properly assert oversight of the Department of Justice and the FBI FISA process?

These questions must be answered.

It is fundamentally American to care not just about what laws the government enforces but also how the government enforces those laws.

If the greatest enemy we see is the person on the other side of the political spectrum, then the foreign powers who seek to divide and weaken our Republic are going to succeed.

Now, I have been trying to get to the bottom of all sides of this issue for years, and I have urged my Democratic colleagues to join me.

I am encouraged that the Attorney General is taking a look, and I am encouraged that the independent Department of Justice inspector general has been looking at these issues as well. I have no idea what they are going to find.

I know Mueller turned a blind eye to what they are investigating, however. The American people need answers—all the answers.

It is not just this administration that has been dragged through the mud with wild collusion and obstruction theories. The American people have had to listen to those falsehoods now for years. Many in the media have been breathlessly flooding the airwaves with speculation and what-ifs about the bogus Trump collusion narrative.

Now that the report is out, some media figures are still struggling to come to terms with Mueller's findings and decisions. It is as if they are unhappy with the results or perhaps they are embarrassed that the world is learning that we have been sold a bunch of snake oil for the past 2 years and now they are finding out that the jig is up.

I hope the mainstream media will pursue the origins of the Russian collusion investigation and do it with the same vigor as they have been pushing the collusion narrative for the last 2 years, and there ought to be some apologies from some of them. This would all go a long way to restoring their damaged credibility.

So I am going to do whatever I can to make sure the people get these answers.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCOTT of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SULLIVAN). Without objection, it is so ordered.

Mr. SCOTT of Florida. Mr. President, I ask unanimous consent that the cloture vote scheduled for 5:30 p.m. today commence.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Joseph F. Bianco, of New York, to be United States Circuit Judge for the Second Circuit.

Mitch McConnell, Tom Cotton, John Boozman, Mitt Romney, Roy Blunt, Joni Ernst, Mike Braun, Thom Tillis, John Hoeven, Pat Roberts, Johnny Isakson, Mike Rounds, James E. Risch, John Cornyn, Mike Crapo, Roger F. Wicker, John Barrasso.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Joseph F. Bianco, of New York, to be United States Circuit, Judge for the Second Circuit shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON), the Senator from Kansas (Mr. MORAN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Florida (Mr. RUBIO), and the Senator from Pennsylvania (Mr. TOOMEY).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted "yea".

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from New York (Mrs. GILLIBRAND), the Senator from California (Ms. HARRIS), and the Senator from Minnesota (Ms. KLOBUCHAR) are necessarily absent.

The PRESIDING OFFICER (Mr. BOOZMAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 40, as follows:

[Rollcall Vote No. 95 Ex.]

YEAS—51

Alexander	Boozman	Cassidy
Barrasso	Braun	Collins
Blackburn	Burr	Cornyn
Blunt	Capito	Cotton

Cramer	Inhofe	Roberts
Crapo	Johnson	Romney
Cruz	Jones	Rounds
Daines	Kennedy	Sasse
Enzi	Lankford	Scott (FL)
Ernst	Lee	Scott (SC)
Fischer	Manchin	Shelby
Gardner	McConnell	Sinema
Graham	McSally	Sullivan
Grassley	Paul	Thune
Hawley	Perdue	Tillis
Hoeven	Portman	Wicker
Hyde-Smith	Risch	Young

NAYS—40

Baldwin	Heinrich	Schatz
Bennet	Hirono	Schumer
Blumenthal	Kaine	Shaheen
Brown	King	Smith
Cantwell	Leahy	Stabenow
Cardin	Markey	Tester
Carper	Menendez	Udall
Casey	Merkley	Van Hollen
Coons	Murphy	Warner
Cortez Masto	Murray	Warren
Duckworth	Peters	Whitehouse
Durbin	Reed	Wyden
Feinstein	Rosen	
Hassan	Sanders	

NOT VOTING—9

Booker	Isakson	Murkowski
Gillibrand	Klobuchar	Rubio
Harris	Moran	Toomey

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 40.

The motion is agreed to.

The PRESIDING OFFICER. The majority leader.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING GENIE ZAVALETA

Mr. DURBIN. Mr. President, in 1958, recently married Genie Zavaleta went on assignment with the Migrant Ministry with her husband Hector. They traveled the country to support Mexican migrant workers. Genie was a child of the Great Depression, and she knew when people needed help. What was supposed to be a 1-year stint became a lifetime of helping people in need.

Last month, Genie passed away at the age of 92. She was known as the grandmother of the Dreamers. She was a longtime champion and mentor to undocumented youth in Arizona and a fierce advocate for the Dream Act. Genie also was my ally in defending the Dreamers.

In 1965, Genie and Hector moved to Arizona permanently with their two sons, Dan and David. Arizona was a transforming State, and the influx of migrant workers attracted Genie. She became the first director of education at Planned Parenthood of Phoenix, teaching classes on poverty and across the county. She taught classes at Phoenix College and Arizona State University too. She worked with the